

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: William Warren Goetz Debtor(s).	: : : : : :	Case No.: 17-13762 Chapter 13 Judge Eric L. Frank *****
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OBJECTION TO DEBTOR'S AMENDED CHAPTER 13 PLAN

Now comes Wells Fargo Bank, N.A. ("Creditor") by and through its attorneys, Manley Deas Kochalski LLC, and files this Objection to Debtor's Third Amended Chapter 13 Plan, averring as follows:

1. Creditor is a creditor herein secured by a second mortgage lien upon the Debtor's real estate located at 1303 Bergan Rd., Oreland, PA 19075. Creditor has filed proof of claim number 2 for the subject mortgage loan.
2. Debtor's Amended Plan proposes to treat Creditor's claim unfairly by attempting avoid Creditor's lien and treat it as wholly unsecured, as did Debtor's prior Plans (the Court entered an order on January 10, 2018 stating that "On or before January 23, 2018, the Debtor shall file any amended chapter 13 plan and any objection, motion or adversary complaint related or necessary to the confirmation process or confirmation of the plan under 11 U.S.C. §1325(a)." To date no such adversary complaint regarding Creditor's claim has been filed.).
3. Creditor asserts that the Property is listed as Debtor's principal residence in the Chapter 13 Voluntary Petition.
4. Per the Debtor's schedules, the value of the property is \$300,000.00 as of the filing date of the petition. Proof of claim number 1 has been filed for the first mortgage lien on the subject property in the amount of \$101,802.37.

5. Creditor believes there is sufficient equity in the property over and above the first mortgage to secure the Creditor's entire lien. In re McDonald, 205 F.3d 606 (3rd Cir. 2000).
6. Creditor objects to said treatment and asserts that, as of the petition date herein, Creditor's claim was fully secured by value in the real estate. Accordingly, § 1322(b)(2) of the Bankruptcy Code and the United States Supreme Court's holding in Nobleman v. American Savings Bank (In re: Nobleman), 508 U.S. 324 (1993) prohibit the Debtor's proposed modification of Creditor's mortgage.

WHEREFORE, Creditor respectfully requests the Court to deny confirmation of the Debtor's proposed Third Amended Chapter 13 Plan.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Kimberly A. Bonner (89705)

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

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: **Case No.: 17-13762**
William Warren Goetz : **Chapter 13**
: **Judge Eric L. Frank**
Debtor(s). : *****

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Objection to Debtor's Amended Chapter 13 Plan was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500,
Philadelphia, PA 19107

William C. Miller, Chapter 13 Trustee, Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA
19105

Paul A. Stewart, Attorney for William Warren Goetz, 333 East Lancaster Avenue, Suite 140,
Wynnewood, PA 19096, pstewart@legalhelm.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on February 13,
2018:

William Warren Goetz, 1303 Bergan Road, Oreland, PA 19075

William Warren Goetz and Joanne L. Goetz, 1303 Bergan Rd, Oreland, PA 19075

Wells Fargo Home Mortgage, One Home Campus, Des Moines, IA 50328

DATE: 2/13/18

/s/ Karina Velter

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